

HOUSE BILL 172

By Coley

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 13, Part 3, to enact the "National Human  
Trafficking Resource Center Hotline Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 3, is amended by  
adding the following as a new section:

39-13-312.

(a) This section shall be known and may be cited as the "National Human  
Trafficking Resource Center Hotline Act".

(b) As used in this section, unless the context clearly indicates otherwise:

(1) "Establishment" includes the following places:

(A) Massage parlors, spas or similar enterprises,  
regardless of whether it is required to obtain a license or permit  
from the state of Tennessee or a political subdivision for its  
operation;

(B) Any restaurant, tavern, hotel or club that is licensed to  
sell alcoholic beverages or has a permit to sell beer pursuant to  
title 57;

(C) Any establishment required to be licensed as an adult-  
oriented establishment pursuant to title 7, chapter 51, part 11;

(D) Any hotel, motel or other building or establishment that  
has been found by a court of competent jurisdiction to be a  
common nuisance under title 29, chapter 3;

(E) Airports, train stations and bus stations;

(F) Welcome centers and rest areas operated by the department of tourist development; and

(G) Truck stops designed for and primarily used by long-haul truck drivers; and

(2) "Licensing authority" means the state or local government entity whose duty it is to license an establishment listed in subdivision (b)(1).

(c) An establishment shall post a sign indicating certain information regarding the national human trafficking resource center hotline. The sign shall be no smaller than eight and one-half inches by eleven inches (8 ½" x 11"). Unless stated otherwise in this section, it shall be posted near the entrance of the establishment or prominently where notices are usually posted. The sign shall state the following:

**National Human Trafficking Resource Center Hotline at 1-888-373-7888.**

**If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work or any other activity - call the National Human Trafficking Hotline at 1-888-373-7888 to access help and services.**

**Victims of human trafficking are protected under United States and Tennessee law.**

**The hotline is:**

**Anonymous and confidential**

**Available 24/7**

**Toll free**

**Operated by a nongovernmental, nonprofit organization**

**Accessible in 170 languages**

**Able to provide help, referral to services, training and general information.**

(d)

(1) Establishments listed in subdivision (b)(1)(D) shall post the sign on the inside face of the main door leading directly into each unit.

(2) Establishments listed in subdivision (b)(1)(B), (b)(1)(E), (b)(1)(F) or (b)(1)(G) shall post the sign required by this section inside all restrooms either:

(A) On the inside of each stall door; or

(B) On the back of the restroom door.

(3) The sign shall be posted in English, Spanish and any other language mandated by the Voting Rights Act of 1965 (Public Law 89-110, 42 U.S.C. § 1973 et seq.) in the county where the sign will be posted.

(4) The title of the sign, the national human trafficking resource center hotline at 1-888-373-7888, shall be boldfaced, underlined and no smaller than twenty-eight (28) point font size.

(5)

(A) The licensing authority shall provide notice of this section and the sign required by subsection (c) on its Internet web site for establishments to print as needed.

(B) The department of labor and workforce development shall provide the sign required by subsection (c) on its Internet web site for establishments to print as needed.

(e) A complaint regarding a possible violation of this section shall be made to the appropriate law enforcement agency or to the licensing authority. A complaint to the licensing authority shall be made in one of the following manners:

(1) In writing;

(2) By telephone call to the licensing authority's toll-free telephone number; or

(3) By an electronic submission to the licensing authority's regularly maintained Internet web site.

(f)

(1) Except as provided under subdivision (f)(2), upon receipt of a complaint by the licensing authority, the following shall apply:

(A) Except as set forth under subdivision (f)(1)(B), the licensing authority shall investigate the complaint and enforce this section; and

(B) If the establishment is subject to licensure by the state, in such case, the licensing authority shall refer the complaint to the appropriate licensing agency for investigations and enforcement of this section.

(2) If the complaint is made to a law enforcement agency regarding an establishment, the agency shall investigate the complaint and enforce this section.

(g)

(1) Except as provided in subdivision (g)(2), it is a violation to fail to post the sign as required by this section.

(2) Any of the following shall be an affirmative defense to a prosecution or imposition of an administrative penalty under this section:

(A) When the violation occurred, the actual control of the establishment was not exercised by the owner, operator or manager but by a lessee; and

(B) The owner, operator or manager made a good faith effort to post the required sign.

(3) The owner, operator or manager asserting the affirmative defense shall do so in the form of a sworn affidavit setting forth the relevant information under subdivision (g)(2).

(h)

(1) In addition to any other remedy available at law or in equity for a violation of this section, the licensing authority may assess a civil penalty as set forth in subdivision (h)(2) against a person for a violation of this section. In assessing a civil penalty, the licensing authority shall give notice to the person and shall provide an opportunity for a hearing. The civil penalty shall be payable to the licensing authority and shall be collectible in a manner provided by law for the collection of debt.

(2)

(A) For a first violation, if the licensing authority determines that a person violated this section, the person shall be issued a written warning.

(B) For a second or subsequent violation, if the licensing authority determines that a person violated this section, the person shall be subject to a fine of not more than two hundred and fifty dollars (\$250).

(C) If the licensing authority determines that a person violated this section within one (1) year of a violation under subdivision (h)(2)(B), the

person shall be subject to a penalty of not more than five hundred dollars (\$500).

(D) If the licensing authority determines that a person violated this section within one (1) year of a violation under subdivision (h)(2)(C), the person shall be subject to a penalty of not more than one thousand dollars (\$1,000).

(3) Fines assessed under this subsection (h) shall be done in accordance with the Uniform Administrative Procedures Act, compiled in title 4 chapter 5.

(4) The penalties collected under this subsection shall be retained by the licensing authority initiating the enforcement action.

(i)

(1) A person who violates this section commits a Class B misdemeanor and shall, upon conviction, be punished by fine only of not more than two hundred fifty dollars (\$250).

(2) A person who violates this section within one (1) year of being sentenced under subdivision (i)(1) commits a Class B misdemeanor and shall, upon conviction, be punished by fine only of not more than five hundred dollars (\$500).

(3) A person who violates this section within one (1) year of being sentenced under subdivision (i)(2) commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than one thousand dollars (\$1,000).

SECTION 2. For purposes of producing and making available for dissemination the signs required by this act, this act shall take effect upon becoming a law, the public welfare

requiring it. For purposes of establishments required to display the sign required by this act doing so, it shall take effect on July 1, 2011, the public welfare requiring it.